

Subpart C—Activities With Non-Federal Entities

§ 84.8 Office of Government Ethics regulation.

See 5 CFR part 2636, “Limitations on Outside Employment and Prohibition of Honoraria; Confidential Reporting of Payments of Charities in Lieu of Honoraria.”

§ 84.9 Official participation in non-Federal entities.

(a) *Attendance.* (1) Agency designees may permit their DoD employees to attend meetings, conferences, seminars or similar events sponsored by non-Federal entities in their official DoD capacities at Federal Government expense if there is a legitimate Federal Government purpose in accordance with 5 U.S.C. 4101 *et seq.* and 37 U.S.C. 412, such as training a DoD employee beyond maintaining professional credentials or gathering information of value to the DoD.

(2) DoD employees are prohibited from attending events in their official DoD capacities at Federal Government expense in order to acquire or maintain professional credentials that are a minimum requirement to hold the DoD position. See 5 U.S.C. 5946 and 31 U.S.C. 1345.

(b) *Membership.* DoD employees may serve as DoD liaisons to non-Federal entities when appointed by the head of the DoD Component command or organization who determines there is a significant and continuing DoD interest to be served by such representation. Liaisons serve as part of their official DoD duties and under DoD component memberships. DoD employees may not accept DoD component membership in a non-Federal entity on behalf of DoD except as provided by statute or regulation. DoD may pay for DoD component memberships in accordance with opinions of the Comptroller General, such as 24 Comp. Gen. 814 (which may be purchased from the U.S. Government Printing Office, Washington, DC 20402). DoD is prohibited from paying for individual memberships by 5 U.S.C. 5946. See also 10 U.S.C. 2601.

(c) *Management.* DoD employees may not participate in their official DoD capacities in the management of non-

Federal entities without authorization from the Head of the DoD component. However, authorized DoD employees may officially represent DoD in discussions of matters of mutual interest with non-Federal entities, may participate in the determinations and conclusions of non-Federal entities, and may cast a vote on issues within the scope of the DoD employees’ official responsibilities.

(d) *Impartiality of agency designee and travel-approving Authority.* When a DoD employee requests permission to travel to or participate in activities of a non-Federal entity and the agency designee or travel approving authority is an active participant in the non-Federal entity, that agency designee or travel approving authority may not act on the DoD employee’s request but shall defer such action to the next higher superior or another independent DoD authority. See 5 CFR 2635.402 and 2635.502 and 18 U.S.C. 208.

(e) *Impartiality of DoD employees.* DoD employees are generally prohibited from engaging in any official activities in which a non-Federal entity is a party or has a financial interest if the DoD employee is an active participant in the non-Federal entity or has been an officer in the non-Federal entity within the last year. See 5 CFR 2635.402 and 2635.502 and 18 U.S.C. 208.

(f) *Endorsement.* [The following is a General Order] Endorsement of a non-Federal entity may be neither stated nor implied by DoD or DoD employees and DoD employees may not use their titles or positions to suggest official endorsement or preferential treatment of any non-Federal entity except those listed in § 84.9(k) [end of General Order]. Use of military grade as part of an individual’s name in relationship to membership in private organizations is permissible. See 5 CFR 2635.702(c).

(g) *Distributing information.* In accordance with public affairs regulations, official channels may be used to notify DoD employees of events sponsored by non-Federal entities.

(h) *Remuneration.* DoD employees may not receive any salary or salary supplement from a non-Federal entity for performance of DoD duties.

(i) *Co-sponsorship.* A DoD component is a sponsor or co-sponsor of an event